

## **TITLE**

An Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title VI: Conduct, Article I: Regulated Actions and Rights, by repealing the existing language of Chapter 607: Firearms, Ammunition, and Other Weapons, in its entirety and replacing it with a new Chapter 607: General Firearm Conduct, to update existing laws to meet the public safety needs of residents.

## **BODY**

**The Council of the City of Pittsburgh hereby enacts:**

**SECTION 1.** The Pittsburgh Code of Ordinances is hereby amended and supplemented as follows at Title VI: Conduct, Article I: Regulated Actions and Rights, by repealing the existing language of Chapter 607 in its entirety and replacing with the following:

### **§ 607.01 DEFINITIONS**

A. **Air Gun.** Any gun which uses air under pressure from pumping or other means to discharge projectiles at a muzzle velocity in excess of 200 feet per second.

B. **Ammunition.** Cartridge cases, shells, projectiles (including shot), primers, bullets (including restricted pistol bullets), propellant powder, or other devices or materials designed, re-designed, or intended for use in a firearm or destructive device.

1. Unless otherwise stated, for the purposes of this Chapter, ammunition does not include blanks.

C. **Assault Weapon.** Any of the following, but not including any firearm modified to render it permanently inoperable, unassembled parts or a combination parts possessed for the purposes of repairing or servicing a lawfully-possessed firearm:

1. A selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or a firearm that has the ability to accept a large capacity magazine;

2. Any of the following semiautomatic firearms:

a. Algimec Agmi;

b. Armalite AR-180;

c. Australian Automatic Arms SAP Pistol;

- d. Auto-Ordnance Thompson type;
- e. Avtomat Kalashnikov AK-47 type;
- f. Barrett Light-Fifty model 82A1;
- g. Beretta AR-70;
- h. Bushmaster Auto Rifle and Auto Pistol;
- i. Calico models M-900, M-950 and 100-P. 20170HB0194PN0159 - 2 - 1 2 3 4 5  
6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30;
- j. Chartered Industries of Singapore SR-88;
- k. Colt AR-15 and Sporter;
- l. Daewoo K-1, K-2, Max-1 and Max-2;
- m. Ecom MK-IV, MP-9 and MP-45;
- n. Fabrique Nationale FN/FAL, FN/LAR or FN/FNC;
- o. FAMAS MAS 223;
- p. Feather AT-9 and Mini-AT;
- q. Federal XC-900 and XC-450;
- r. Franchi SPAS-12 and Law-12;
- s. Galil AR and ARM;
- t. Goncz High-Tech Carbine and High-Tech Long Pistol;
- u. Heckler & Koch HK-91, HK-93, HK-94 and SP-89;
- v. Holmes MP-83;
- w. Intratec TEC-9 and Scorpion;
- x. Iver Johnson Enforcer model 3000;
- y. MAC-10, MAC-11 and MAC-11 Carbine type;

- z. Ruger Mini-14/5F folding stock model only;
- aa. Scarab Skorpion;
- bb. SIG 57 AMT and 500 series;
- cc. Spectre Auto Carbine and Auto Pistol;
- dd. Springfield Armory BM59, SAR-48 and G-3;
- ee. Sterline MK-6 and MK-7;
- ff. Steyr AUG;
- gg. Street Sweeper and Striker 12 revolving cylinder shotguns;
- hh. USAS-12. (xxxv) UZI Carbine, Mini-Carbine and Pistol;
- ii. Weaver Arms Nighthawk; and
- jj. Wilkinson "Linda" Pistol;

3. A semiautomatic firearm not specifically listed in § 607.01(A)(2) that meets any of the following criteria:

- a. The firearm is a semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following:
  - i. A folding or telescoping stock;
  - ii. A pistol grip that protrudes conspicuously beneath the action of the weapon;
  - iii. A bayonet mount;
  - iv. A flash suppressor or threaded barrel designed to accommodate a flash suppressor; and
  - v. A grenade launcher;
  
- b. The firearm is a semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following:
  - i. An ammunition magazine that attaches to the pistol outside of the pistol grip;

- ii. A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip or silencer;
- iii. A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the non-trigger hand without being burned;
- iv. A manufactured weight of 50 ounces or more when the pistol is unloaded; and
- v. A semiautomatic version of an automatic firearm;

c. The firearm is a semiautomatic shotgun that has at least two of the following:

- i. A folding or telescoping stock;
- ii. A pistol grip that protrudes conspicuously beneath the action of the weapon;
- iii. A fixed magazine capacity in excess of five rounds; and
- iv. An ability to accept a detachable magazine;

4. A part or combination of parts designed or intended to convert a firearm into an assault weapon or any combination of parts from which an assault weapon may be rapidly assembled if those parts are in possession or under the control of the same person.

**D. Facsimile Firearm.** Any toy, antique, starter pistol, or other object that bears a reasonable resemblance to an operable firearm, or any object that impels a projectile by means of a spinning action, compression, or CO2 cartridge.

**E. Firearm.** Any pistol, handgun, rifle, machine gun, air rifle, air pistol, blank gun, BB gun, or other instrument from which steel or metal projectiles are propelled, or which may be readily converted to expel a projectile, or other instruments propelling projectiles which are designed or normally used for no other primary purpose than as a weapon, including, for the purposes of this Chapter, the frame or receiver of the weapon, and excluding the following:

1. A crossbow;
2. A recurve bow;

3. A compound bow; and
4. A longbow.

**F. Large Capacity Magazine.** A firearm magazine, belt, drum, feed strip or similar device that has the capacity of, or can be readily restored or converted to accept, more than 10 rounds of ammunition but does not include:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds of ammunition;
2. A .22 caliber tube ammunition feeding device;
3. A tubular magazine that is contained in a lever-action firearm; and
4. A magazine that is permanently inoperable.

#### **§ 607.02 PROHIBITION ON NON-SPECIFIED FIREARMS AND WEAPONS**

A. It shall be unlawful to manufacture, sell, purchase, transport, carry, store, or otherwise hold in one's possession within the City of Pittsburgh firearms or weapons designed or intended to cause injury or death to persons or damage to property for which no common lawful purpose exists, including, but not limited to the following:

1. An anti-tank gun;
2. A bazooka;
3. A bomb;
4. A booby trap;
5. A flamethrower;
6. A grenade;
7. A mine;
8. A mortar;

9. A recoilless rifle; and

10. A rifle grenade launcher.

### **§ 607.03 PROHIBITION ON ASSAULT WEAPONS**

A. It shall be unlawful to manufacture, sell, purchase, transport, carry, store, or otherwise hold in one's possession within the City of Pittsburgh an assault weapon, as defined herein.

### **§ 607.04 CARRYING OF OPERABLE FIREARMS PROHIBITED**

A. No person shall carry in any vehicle or concealed or unconcealed on or about their person except when on their land or in their abode or fixed place of business any firearm.

B. This Section shall not apply to any person specifically exempted under 18 P.S. Sec. 610(b) (1-10).

### **§ 607.05 CARRYING OF FASCIMILE FIREARMS PROHIBITED**

A. No person shall carry in any vehicle or concealed or unconcealed on or about their person except when on their land or in their abode or fixed place of business any facsimile firearm with the intent to alarm, intimidate, terrify, or threaten any person.

### **§ 607.06 DISCHARGE**

A. No person shall discharge any of the following anywhere within the City, except in the following circumstances:

1. Firearms, except:

- a. When under appropriate supervision at duly-established target ranges; or
- b. When in circumstances permitted by the Crimes Code Act of December 6, 1972, P.L. 334, as amended (18 Pa. C.S. Sec. 101 *et seq.*);

2. Air guns, except:

- a. When under appropriate supervision at duly-established target ranges; or

- b. Where the firing or discharge and missile flight are wholly confined to the user's own property, or the property of another from whom express consent has been granted;
3. Bows, including those listed in § 607.01(E)(1) through § 607.01(E)(4);
- a. When under appropriate supervision at duly-established target ranges; or
  - b. Where the firing or discharge and arrow or projectile flight are wholly confined to the user's own property, or the property of another from whom express consent has been granted.

### **§ 607.07 EXEMPTIONS**

A. In addition to the exemptions otherwise enumerated herein, the contents of this Chapter shall not apply to:

- 1. Any federal, state, county, or city agency, or any authorized agent or employee thereof, for use in the discharge of its official duties, including those charged with the enforcement of laws;
- 2. Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided that the following conditions are met:
  - a. The firearm or item is housed appropriated;
  - b. The firearm or item is secured from handling by those unauthorized to do so; and
  - c. The firearm or device is unloaded, when and if possible; and
- 3. A person lawfully owning or otherwise possessing an assault weapon before the effective date of this Chapter.

### **§ 607.08 SELLING, TRANSFERRING, PURCHASING, AND RECEIVING OF AMMUNITION**

A. No individual, retailer, wholesale business, firm, or corporation within the City of Pittsburgh shall be permitted to engage in the following activities:

- 1. Purchase or receive ammunition without producing at least one of the following forms of photo identification at the time of purchase or receipt of the ammunition, whichever occurs earlier:
  - a. A current, unexpired Commonwealth of Pennsylvania photo driver's license;
  - b. A photo identification card issued by the Commonwealth of Pennsylvania;

- c. A current, unexpired photo driver's license from another state; or
- d. Any comparable current photo ID issued by a governmental agency of the United States.

2. Sell or transfer ammunition to any person who:

- a. Fails to produce an acceptable form of photo identification as described in § 607.08(A)(1); or
- b. Is under the age of 18.

### **§ 607.09 PENALTIES FOR VIOLATIONS, FAILURE TO COMPLY**

A. Any individual, retailer, wholesale business, firm, or corporation found in violation of this Chapter or otherwise fails to comply shall be fined \$1,000 and costs for each offense, and in default of payment thereof, may be imprisoned for not more than 90 days.

B. Each day of a continuing violation of or failure to comply with this Chapter shall constitute and separate and distinct offense.

C. Prosecution under § 607.02 and § 607.03 shall be subject to the defenses and exemptions stipulated in 18 PA C.S.A. 908(b), as amended.

### **§ 607.10 APPLICATION OF CHAPTER**

A. This Chapter shall not be interpreted so as to exempt any person from requirements codified elsewhere in Title VI: Conduct, Article I: Regulated Actions and Rights.

### **§ 607.11 EFFECTIVE DATE**

A. This Chapter shall take effect 60 days after its enactment by City Council.

### **§ 607.12 SEVERABILITY**

A. Severability is intended throughout and within the provisions of this Chapter. If any section, subsection, sentence, clause, phrase, or portion of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Chapter.